



COUNTY ROAD ASSOCIATION OF MICHIGAN

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Best Practices for County Road Agencies

Summary:

House Bill 5301, introduced by Rep. Price (R-Ottawa), would amend the Charter County Act to require county road agencies to adopt a set of established best practices and beginning on September 30, 2014, certify compliance annually in order for the agency to be eligible to receive Michigan Transportation Fund (MTF) revenues or the proposed Commercial Corridor Fund (CCF) revenues. County road agencies are defined as county road commissions or a body that has the powers of a county road commission in a county that adopts a charter under this act.

House Bill 5302, introduced by Rep. R. Schmidt (D-Kent), would amend section 18j of Public Act 51 of 1951 to require local road agencies to adopt a set of established best practices and beginning on September 30, 2014, certify compliance annually in order for the agency to be eligible to receive Michigan Transportation Fund (MTF) revenues or the proposed Commercial Corridor Fund (CCF) revenues. This legislation is tie-barred to HB 5303, introduced by Rep. Talabi (D-Wayne), which would create the Commercial Corridor Fund.

House Bill 5313, introduced by Rep. Jacobsen (R- Oakland), would amend the Optional Unified Form of County Government Act to require county road agencies to adopt a set of established best practices and beginning on September 30, 2014, certify compliance annually in order for the agency to be eligible to receive Michigan Transportation Fund (MTF) revenues or the proposed Commercial Corridor Fund (CCF) revenues. County road agencies are defined as county road commissions or a body that has the powers of a county road commission in a county that adopts an optional unified form of county government under this act.

This bill package, beginning September 30, 2014, would require each local road agency to certify annually that they are in compliance with the following laws and best practices:

- Compliance with the Publicly Funded Health Insurance Contribution Act (PA 152 of 2011) which requires employees to contribute a specified portion of their health insurance premiums;
- All new employees would be required to be enrolled in a "Defined Contribution Plan" as specified in the Public Employee Retirement System Investment Act, rather than a Defined Benefit or Combination Pension Plan;
- Agencies have adopted and are acting under a Road Safety Plan designed to ensure uniform high safety standards on all roads. At a minimum local road agencies would be required to:
 - Tabulate the location and causation of traffic accidents, use the resulting information to prioritize investment, and provide the resulting information to all law enforcement agencies within the jurisdiction of the local road agency for use as a guide to enforcement operations;
 - Review the warrants and traffic control orders for all traffic control devices erected on its roads at least every 7 years and remove all unwarranted devices and all devices that are

- not on compliance with the Michigan Vehicle Code or the Uniform Traffic Code promulgated by Michigan State Police;
- Review and adjust the timing of signal devices on its roads to reflect traffic volumes and actual operating speeds at least every five years and, where practicable, synchronize the operation of signal devices for a minimum delay to traffic;
- Conduct a multidisciplinary road safety audit of each project over \$1 Million and of each high-accident location; and
- Employ or contract for the services of a Licensed Traffic Engineer.
- The agency is in compliance with the Asset Management requirements in section 9A of Public Act 51 of 1951;
- If an agency does not make the requisite certification of all requirements, all distributions from the Michigan Transportation Fund (MTF) and proposed Commercial Corridor Fund (CCF) would be withheld;
- Each local road agency would be required to provide a dashboard to provide information to the citizens of this state. At a minimum, the dashboard would be required to include: any information required to be certified under this act and whether distributions from the MTF or CCF have been withheld.

CRAM position:

The CRAM Board of Directors will meet in mid-February to finalize its official position on this legislation. CRAM has traditionally been supportive of efforts to share and encourage best practices among county road agencies.

Potential Impact to Road Commissions:

Compliance with the Publicly Funded Health Insurance Contribution Act is already standard operating procedure for road commissions across the state; and all road commissions are currently reporting the road condition ratings required under the Asset Management statutes. However, compliance with other best practices will significantly increase costs to those local roads agencies currently not in compliance.

Although many road commissions now require new employees to participate in Defined Contribution Pension plans, others have not made this change due to the substantial increase in required contributions to their existing Defined Benefit Plans. Similar to the growing pains experienced by the State of Michigan when they switched from Defined Benefit to Defined Contribution for new employees in the mid-1990's; when no new employees will be entering a defined benefit plan, the required annual contributions to the plan are required to be substantially increased over the next 20 years. The one major difference is that the State of Michigan made this change during healthy financial years and road agencies are being asked to make this change amid decade low levels of funding.

Although county road agencies support improved traffic safety, as likely intended with the creation of road safety plans, the costs involved with the proposal may outweigh any benefits. In addition, some of the language is problematic and does not comply with practices in Michigan. Additional information is provided in the talking points below.

Talking Points:

1.) Michigan's 81 county road commissions were not allowed to be exempt from the Publicly Funded Health Insurance Contribution Act and have adopted the new mandates as standard operating procedure. The two county road departments (Wayne and Macomb) would comply with the act as departments of the county.

2.) Several components of the Road Safety Plan outlined in this legislation should be reconsidered including:

- (i) Tabulation of the location and causation of traffic accidents is a much more technical process than many realize. Michigan State Police data is available to road commissions and utilized in a software program, Roadsoft, which allows road commissions to map crashes and data correlated to the crash. However, evaluating each crash to determine causation would require an extensive review of each traffic accident report. Although road agencies already do this with high-risk intersections or other high-accident sites, this is a very labor intensive process and manpower required would likely outweigh the benefit of using this process for every traffic crash.
- (ii) There are several problems with the requirement for a road agency to "review the warrants and traffic control orders for all traffic control devices erected on its roads at least every 7 years and remove all unwarranted devices and all devices that are not on compliance with the Michigan Vehicle Code or the Uniform Traffic Code promulgated by Michigan State Police."
 - First traffic control devices are not mandated in the Michigan Vehicle Code, this should be changed to the Michigan Manual of Uniform Traffic Control Devices (MMUTCD);
 - Kent County for example has 3600 stop signs and 1900 speed limit signs. A thorough evaluation of each, with nothing indicating a need or problem in a given area, could keep a full time engineer busy.
 - Although a sign may not be warranted in an area based on MMUTCD, sound engineering judgment is essential and should override a one-size-fits-most application provided in a manual.
- (iii) Road Commissions currently review and adjust the timing of signal devices on roads to reflect traffic volumes and actual operating speeds as needed. A certification of this process for every signal every five years may outweigh the benefit. Kent CRC recently used federal funds to synchronize the operation of signal devices at a rate of approximately \$5,000 per intersection (extensive traffic counts required). This expense is simply not reasonable outside of urban areas, and good engineering judgment can often make this determination without the study and extensive traffic count data necessary to optimize signal synchronization.
- (iv) Road commissions conduct informal safety audits of high-risk locations on a regular basis. Conducting a multidisciplinary road safety audit, however, is a specialized process. No one on the road commission staff should be involved in an audit on a road under their jurisdiction. Road agencies either use consultants or trade with adjacent counties or municipalities in assembling a multidisciplinary team of 3 to 5 professionals. In 2005, the FHWA cost estimate per audit was \$5,000.
- (v) Road commissions would be required to employ or contract for the services of a licensed traffic engineer. Although California and some western state offer this license, there is currently no such thing as a "licensed traffic engineer" in the State of Michigan. The Institute of Transportation Engineers (ITE) offers a special certification as a Professional Traffic Operations Engineer (PTOE). There is currently only one county employee in Michigan who holds this certification, as the cost of obtaining and maintaining the certificate outweighs any benefits to the agency.

3.) Michigan's 83 county road agencies have for many years been compliant with the requirements of the Michigan Transportation Asset Management Council (TAMC) to report road condition ratings on the federal aid system. However, a project reporting requirement in section 9a has not been universally embraced by all local road agencies. Some agencies are not reporting the annual multi-year program data, data on all road and bridge work performed, and funds expended for asset management purposes to the TAMC. Since road and bridge project expenditures are reported on a separate report provided to MDOT for compliance with Act 51, some agencies have dismissed this section of the TAMC report as duplicative.

4.) CRAM embraced the concept of dashboards very early. A Special Committee on Transparency was formed and has been working to develop a highly specialized dashboard since the spring of 2011. Working in cooperation with the TAMC, the road and bridge condition data submitted by all Act 51 agencies will be made available for all local road agencies to utilize in their dashboards. CRAM is working to generate additional dashboards for county road agencies that address traffic safety, maintenance and financial health. County road agencies are currently being surveyed for their pension data and other relevant data to develop the dashboards. Our goal is to roll the dashboard out in phases as new components are completed. The first section, data on the federal-aid road network, is expected to be released this spring. Compliance with the best practices included in this legislation and any sanctions could be a component of the dashboard. However, we are putting our emphasis on preparing the financial data requested by Governor Snyder and data that would mirror the current MDOT dashboard.

5.) There are no tie-bars to House Bills 5301 and 5313. However, House Bill 5302 is tie-barred to House Bill 5303 (request 4256'11), which creates the Commercial Corridor Fund. If these bills pass without the adoption of the required House or Senate bill (request 4256'11) the new best practice requirements and sanctions would be required of Bay, Macomb, Oakland and Wayne Counties, but not the remaining local road agencies in the state. House Bills 5301 and 5313 should be tie-barred to House Bill 5302.